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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN WILLIAM THOMPSON,

Plaintiff,

No. CIV S-11-0780 GEB DAD P

vs.

GARY SWARTHOUT,

Defendant.

ORDER

_____/

On November 2, 2011, defendant Swarthout filed a motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. Plaintiff has not opposed the motion.¹

Local Rule 230(l) provides in part: “Failure of the responding party to file written opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion” On August 24, 2011, plaintiff was advised of the requirements for filing an opposition to the motion and that failure to oppose such a motion may be deemed a waiver of opposition to the motion.

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¹ If plaintiff no longer wishes to proceed with this matter, he should file a request to dismiss this action without prejudice pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

1 Local Rule 110 provides that failure to comply with the Local Rules “may be
2 grounds for imposition of any and all sanctions authorized by statute or Rule or within the
3 inherent power of the Court.” In the order filed August 24, 2011, plaintiff was advised that
4 failure to comply with the Local Rules may result in a recommendation that the action be
5 dismissed.

6 Good cause appearing, IT IS HEREBY ORDERED that, within thirty days of the
7 date of this order, plaintiff shall file an opposition, if any, to defendant’s motion to dismiss.
8 Failure to file an opposition will be deemed as a statement of non-opposition and shall result in a
9 recommendation that this action be dismissed pursuant Federal Rule of Civil Procedure 41(b).

10 DATED: December 14, 2011.

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14 DALE A. DROZD
15 UNITED STATES MAGISTRATE JUDGE

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